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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,955	07/19/2000	Edgar Allan Tu	FUSN1-01103US0	2141
28554	7590	03/24/2004	EXAMINER	
VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			EL HADY, NABIL M	
			ART UNIT	PAPER NUMBER
			2154	10
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,955

Applicant(s)

TU ET AL.

Examiner

Nabil M El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. Claims 1-9 are pending in this application.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 2002/0047471 A1)
4. As to claim 8, Johnson discloses the invention as claimed including a method for securely communicating data associated with the base device to a remote access system (Fig. 1; and abstract) comprising initiating data communication by the base device with the remote system ([0051], lines 30-47; and Fig. 2), retrieving, storing, updating and deleting data associated with the base device according to commands received by the base device from the remote access system ([0047], lines 13-15).
5. Johnson does not specifically disclose retrieving, storing, updating and deleting data. However, these processes are inherent in “transference of data associated therewith” of ([0047], lines 13-15).

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6. As to claim 1, the claim is rejected for the same reason as claim 8 above. In addition, Johnson discloses a secure agent system (106, Fig. 1) in a base device (103, Fig. 1) configured to be coupled with a remote access system (128, 121, 124, 127, Fig. 1), the base device comprising a server communication module and a job handler module (109, 112, Fig. 1).

7. As to claim 6, the claim is rejected for the same reason as claims 1 and 8 above. In addition, Johnson discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the above method (page 11, claim 15).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0047471 A1) in view of Johnson (US 2002/0016912 A1), hereafter "Johnson2".

10. As to claim 2, Johnson does not explicitly disclose periodically transmitting task connection requests to the remote access system. However, Johnson2 discloses periodically transmitting task connection requests to the remote access system ([0037], lines 5-9). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings

of Johnson and Johnson2 in order to offer a remote user the flexibility of providing parameters required to manage the remote access.

11. As to claim 3 and 4, Johnson discloses communicating task connection replies to the job handler ,module and to transmit task connection reply data (inherent in [0047], lines 13-15).

12. As to claims 5, 7, and 9, the claims are rejected for the same reasons as claims 1, 6, and 8 above. Johnson does not explicitly disclose a wake-up module to monitor the base device for a wake-up signal to connect the base device. Johnson2, however, discloses a wake-up signal to connect the base device (inherent in ([0037], lines 5-9). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Johnson and Johnson2 in order to offer a remote user the flexibility of providing parameters required to manage the remote access.

13. Johnson does not explicitly disclose connecting the base device to Internet service provider. However, it would have been obvious to one skilled in the art at the time of the invention that Johnson's remote access system may be accessible to the base device through an Internet service provider if the remote access system is connected to the Internet.

14. Applicant's arguments filed 1/8/2004 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-9 is maintained.

15. In the remarks, applicants argued in substance that (1),Johnson et al. (US 2002/0047471 A1) reference is not prior art under U.S.C. 102 (e).

16. Examiner respectfully traverses applicants' remarks. Applicant stated as noted in M.P.E.P. 706.02(f)(1),

"For reference publications and patent applications filed under 35 USC 111(a), the prior art dates under 35 USC 102(e) accorded to these references are the earliest effective US filing dates. Thus, a publication and patent of a 35 USC 111(a) application, which claims priority under 35 USC 119(e) to a prior nonprovisional application or claims the benefit under 35 USC 120 of a prior art nonprovisional application, would be accorded the earlier filing date as its prior art date under 35 USC 102(e), **assuming the earlier filed application has proper support for the subject matter as required by 35 USC 119(e) or 120**".

17. Johnson (US 5,970,149), filed July 15, 1997 disclose the same concept of a base device with a secure agent system operating within to secure communicating data associated with the base device (SECURE CUSTOMER SITE 14, Fig. 1), the base device configured to be coupled with a remote access system (SEURE DISPATCH CONTROL CENTER, Fig. 1). Johnson (US 5,970,149) as an earlier filed application has proper support for the subject matter.

18. Johnson (US 6,499,108), filed January 28, 1999 disclose the same concept of a base device with a secure agent system operating within to secure communicating data associated with the base device (Remote Administrator 20, Fig. 1), the base device configured to be coupled with a remote access system (Secure Email Server 16, Fig. 1). Johnson (US 6,499,108) as an earlier filed application has proper support for the subject matter.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 22, 2004



Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154